

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WILLIAM H. EMCH, et al., Plaintiffs, vs. ENCORE ACQUISITIONS, LLC, et al., Defendants.	19-CV-13142-TGB ORDER DENYING MOTION FOR SERVICE BY PUBLICATION WITHOUT PREJUDICE
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On June 30, 2020, Plaintiff William H. Emch filed a motion for service by publication, seeking to serve Defendant David Roy Newby by publication in the Dearborn Times-Herald. ECF No. 23. Plaintiff contends that service by publication is warranted because Plaintiff tried to serve Newby by mail at two different addresses but the packages went unclaimed. *Id.* Based on these two attempts, Plaintiff claims that Newby “is therefore on notice of this proceeding, but evading service of process.” *Id.*

Pursuant to Rule 4(e)(1) of the Federal Rules of Civil Procedure and Michigan Court Rule 2.105(A)(2), service on an individual may be completed by certified mail, but a court may order alternate service upon “a showing that service of process cannot reasonably be made as provided by this rule . . . ” MCR

2.105(I)(1). Michigan Court Rule 2.106 provides that alternate service may be made by publication “in a newspaper in the county where the defendant resides, if known, and if not, in the county where the action is pending” or by posting. MCR 2.106(D) & (E).

In this case, Plaintiff states that he tried to serve Newby by sending the complaint to two different addresses by certified mail. ECF No. 23. Plaintiff does not explain his basis for believing that either of the addresses to which he sent the complaint are the current and valid address for Mr. Newby, or what steps Plaintiff took to identify Mr. Newby’s correct address. Moreover, there is no indication that Plaintiff ever attempted to serve Mr. Newby personally. Based on this scant showing, the Court cannot confirm that service on Mr. Newby cannot reasonably be made by means traditionally more effective than service by publication.

The Motion for Service by Publication (ECF No. 23) is

DENIED WITHOUT PREJUDICE.

Dated: July 30, 2020

s/Terrence G. Berg

TERRENCE G. BERG

UNITED STATES DISTRICT JUDGE